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Joshua Michael Martinez

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA MICHAEL MARTINEZ,
et al.,

Defendants.

CASE NO. 2:18-CR-00294-APG-DGA-

STIPULATION TO WITHDRAW MOTION TO SUPPRESS

IT IS HEREBY STIPULATED AND AGREED by and between the Defendant, Joshua Michael Martinez, by and through his attorney, Randall J. Roske, , and the Plaintiff, the United States of America, by and through its attorneys, United States Attorney for the District of Nevada, Nicholas A. Trutanich, and Kevin Schiff, Assistant United State Attorney, that the pending Motion to Suppress (Dkt.# 96) be withdrawn pending the potential resolution of this matter by compromise solution (i.e. pending potential plea negotiations). This Stipulation is entered into for the following reasons:

1. That the Defendant Joshua Michael Martinez has pending the issue as to his competency to stand trial. That the Defense expert, Dr. Thomas Kinsora, a neuro-psychologist has agreed to conduct an evaluation and report. The evaluation has been deferred due to the concerns for health and safety existing due to the Covid-19 Pandemic, the legitimate requirements for

1 distancing and prompt testing results for the virus. Alternative safety procedures have been
2 rejected by the Henderson Detention Center. That the competency evaluation by Dr. Kinsora may
3 necessitate the prosecution to engage the Bureau of Prisons staff psychologist to further evaluate
4 Mr. Martinez. As of this date, Dr. Kinsora has been unable to visit and conduct his testing of the
5 Defendant due to restrictions on prisoner contact implemented due to the Covid-19 pandemic
6 intended to prevent the virus spread.

7
8 2. That in the interest of judicial economy, the resolution of the pending Motion to Suppress may
9 well end up being unnecessary.

10
11 3. That should ultimately the matter not be resolved by agreement, the above signed counsel
12 agree that the Motion to Suppress may be renewed as a timely pleading, by way of formal written
13 notice duly filed and served on the Office of the United States Attorney. This will then trigger an
14 reasonable period of time for the Plaintiff's counsel to prepare a responsive pleading

15
16 DATED this 28th day of July, 2020.

17
18 NICHOLAS A. TRUTANICH
19 United States Attorney for the
20 District of Nevada

21 /s/
22 Randall J. Roske, Esquire
23 Attorney for Joshua Michael Martinez
24 Defendant

25 /s/
26 Kevin Schiff AUSA
27 Attorneys for the United States
28 of America, Plaintiff

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

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6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 JOSHUA MICHAEL MARTINEZ,
10 et al.,

11 Defendants.

CASE NO. 2:18-cr-00294-APG-DJA

12 ORDER

13
14 That appears from the recitations in the pending Stipulation by the relevant parties that
15 good cause exists to grant the requested relief;

16 IT IS HEREBY ORDERED that the pending Motion to Suppress be withdrawn without
17 prejudice to revive the pleading should efforts to resolve the case fall through after Mr.
18 Martinez's competency is determined.

19 IT IS FURTHER ORDERED that the Defendant's counsel must file a written pleading to
20 revive the withdrawn Motion to Suppress, without necessity to refile same with the Court. The
21 Parties will be afforded reasonable time to file an opposition and any reply.

22 IT IS FURTHER ORDERED that Defendant Jeffrey Jackson's Motion to Join Co-
23 Defendant Martinez's Motion to Suppress Electronic Surveillance (ECF No. 102) is
24 denied without prejudice.

25 DATED this 30th day of July, 2020.

26 

27 Daniel J. Albregis
28 United States Magistrate Judge